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DIOMED HOLDINGS, INC AND DIOMED, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

VNUS MEDICAL TECHNOLOGIES,  
INC.,

Plaintiff,

vs.

DIOMED HOLDINGS, INC., DIOMED,  
INC., ANGIODYNAMICS, INC, and  
VASCULAR SOLUTIONS, INC.

Defendants.

Case No. C05-02972 MMC (JL)

**~~[PROPOSED]~~ ORDER GRANTING  
ADMINISTRATIVE MOTION  
PURSUANT TO L.R. 7-11 BY  
DEFENDANTS FOR LEAVE TO FILE  
SUPPLEMENTAL SUMMARY  
JUDGMENT MOTION**

Trial Date: October 29, 2007

Time: 9:00 a.m.

Location:

Judge: Hon. Maxine M. Chesney

AND RELATED COUNTERCLAIMS

Before the Court is the Administrative Motion Pursuant to L.R. 7-11 filed by Defendants Diomed Holdings, Inc., Diomed, Inc., AngioDynamics, Inc. and Vascular Solutions, Inc. ( "Defendants") for Leave to File Supplemental Summary Judgment Motion on Willful Infringement. Having considered the parties' submissions, the Court, for the reasons stated by Defendants, hereby GRANTS the motion, and sets the following briefing schedule:

Defendants shall file the motion for summary judgment on willful infringement, not to exceed ten pages, exclusive of exhibits, no later than October 1, 2007 ~~three Court days following this order~~. VNUS shall file its opposition brief, not to exceed ten pages, exclusive of exhibits, no later than Oct. 12, 2007 . Defendants may file a reply, not to exceed five pages, no later than Oct. 18, 2007 . ~~The hearing on the motion, if any, shall be held on October 16, 2007 as part of the previously scheduled pretrial conference.~~ As of October 18, 2007, the Court will take the motion under submission.

DATED: September 27, 2007

MAXINE M. CHESNEY  
United States District Judge